

9/25/01

**THIS DISPOSITION  
IS NOT CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

Paper No. 13  
JQ

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**Trademark Trial and Appeal Board**

In re Snap-Tite, Inc.

Serial No. 75/420,592

Kenneth L. Mitchell of Woodling, Krost and Rust for  
applicant.

Vivian Micznik First, Trademark Examining Attorney, Law  
Office 104 (Sidney Moskowitz, Managing Attorney).

Before Cissel, Quinn and Holtzman, Administrative Trademark  
Judges.

Opinion by Quinn, Administrative Trademark Judge:

An application has been filed by Snap-Tite, Inc. to  
register the mark EZE-SEAL for "scientific laboratory  
equipment, namely, autoclaves and pressure vessels for  
equipment testing."<sup>1</sup>

The Trademark Examining Attorney has refused  
registration under Section 2(e)(1) of the Act on the ground

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<sup>1</sup> Application Serial No. 75/420,592, filed January 20, 1998,  
alleging a bona fide intention to use the mark in commerce.

that applicant's mark, if applied to applicant's goods, would be merely descriptive thereof.

When the refusal was made final, applicant appealed. Applicant and the Examining Attorney have filed briefs. An oral hearing was not requested.

The Examining Attorney maintains that applicant's goods, as shown by applicant's product literature, have a seal that is designed to permit easy closing of the autoclaves and pressure vessels. The Examining Attorney states that the proposed mark consists of a novel spelling of the word "easy" and the word "seal," and immediately describes a significant feature of the goods, namely, that they are easy to seal. The Examining Attorney submitted dictionary definitions of the words "easy" and "seal."<sup>2</sup>

Applicant argues that the proposed mark is just suggestive, and that purchasers would not focus on the low torque closure feature of the goods. During prosecution, applicant submitted product literature.

A mark is merely descriptive if, as used in connection with the goods and/or services, it describes, i.e., immediately conveys information about, an ingredient,

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<sup>2</sup> Although the definitions were not submitted until the filing of the Examining Attorney's brief, they are proper subject matter for judicial notice.

quality, characteristic, feature, etc. thereof, or if it directly conveys information regarding the nature, function, purpose, or use of the goods and/or services. See: In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215 (CCPA 1978); In re Eden Foods Inc., 24 USPQ2d 1757 (TTAB 1992); and In re American Screen Process Equipment Co., 175 USPQ 561 (TTAB 1972). It is not necessary that a term describe all of the properties or functions of the goods and/or services for it to be considered to be merely descriptive thereof; rather, it is sufficient if the term describes a significant attribute or feature about them. The issue is not determined in a vacuum, but rather the mere descriptiveness of the mark is analyzed as the mark is used in connection with the goods and/or services. In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979).

The dictionary listings show the term "easy" defined as "capable of being accomplished or acquired with ease; posing no difficulty" and "seal" as "a device that joins two systems or elements in such a way as to prevent leakage; to close with or as if with a seal." *The American Heritage Dictionary of the English Language* (3<sup>rd</sup> ed. 1992).

The record also includes product literature which indicates that a feature of the goods is "low torque closure," and that the product is an "easily sealed vessel

with low torque." In connection with the "low torque closing" feature, the literature further states that "[a] metal-to-metal seal is designed to permit easy closing of the vessel assembly due to substantially reduced torque requirements."

There is no dispute that the "EZE" portion of the mark is the phonetic equivalent of the term "easy." As shown by applicant's product literature, the sealing feature of a pressure vessel is an important feature of such goods. The proposed mark EZE-SEAL immediately describes, without conjecture or speculation, a significant feature of the goods, namely that the pressure vessels are easily sealed. Thus, no imagination would be necessary for purchasers to perceive precisely the merely descriptive significance of the term EZE-SEAL as it relates to an important feature of applicant's autoclaves and pressure vessels.

Decision: The refusal to register is affirmed.

**Ser No.** 75/420,592